

## **REMARKS**

The foregoing amendments and the following remarks are timely filed in response to the Office Action dated August 22, 2008 (hereinafter “Office Action”). Although no fees are believed due, authorization is hereby given to charge any necessary fees and credit any overpayments to Deposit Account No. 50-0951.

At the time of the Office Action, claims 8-14 were pending. In the Office Action, claims 8-14 were rejected under 35 U.S.C. §112, second paragraph. Claims 8-14 were also rejected under 35 U.S.C. §103(a). The rejections and response thereto are set forth below.

### **I. New Claims**

New claims 15-16 are presented herein. No new matter is added. No new claim fees are believed to due because the number of claims in the application does not exceed more than three independent claims and/or more than twenty claims total. Nevertheless, authorization is given to charge any necessary fees to Deposit Account No. 50-0951.

### **II. Claim Rejections - Under 35 U.S.C. §112**

In the Office Action, claims 8-14 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention. Appropriate amendments have been made and withdrawal of the rejections is respectfully requested.

### **III. Claim Rejections - Under 35 U.S.C. §103(a)**

Claims 8-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over European Patent Application No. EP0618022 (“EP0618022”) in view of European Patent Application No. EP0995537 (“EP0995537”) due to obviousness.

#### **A. Review of Claims**

Prior to addressing the rejections, a brief review of the claims, as amended herein, is appropriate. Independent claim 8, as amended herein, is directed to a storage and distribution device and recites, among other things, that the at least one moving distribution head provides at least one reading head capable of reading the identification labels of the storage cartridges. These features allow the moving distribution head, based on the reading of the identification

label by the reading head, to identify a storage cartridge containing parts of a specific diameter and position an end of a distribution tube in front of a storage cartridge to evacuate the parts contained in the storage cartridge. Because the reading head provides the capability for the moving distribution head to distinguish between storage cartridges by reading the identification labels, the present invention permits the positions of storage cartridges containing different-sized parts to be accommodated interchangeably within the body of the device, rather than limiting a single part size to a single position.

For example, a storage cartridge containing parts with a 1/8 inch diameter can easily and quickly be replaced with a storage cartridge containing parts with a 1/2 inch diameter. When the storage cartridge containing parts with a 1/8 inch diameter was inserted, based upon a reading of the storage cartridge's identification label, the moving distribution head positioned a distribution tube of the corresponding 1/8 inch diameter in front of that cartridge. Because the reading head of the moving distribution head will read the identification label of any cartridge, the storage cartridge containing 1/8 inch parts can be removed and a new cartridge containing 1/2 inch diameter parts can be inserted in the same position, and the moving distribution head will position a distribution tube of the corresponding 1/2 diameter without the need to reconfigure or reprogram the device.

**B. Comparison of Cited Art to the Claims**

Applicant respectfully submits that the cited art fails to disclose each and every element of claim 8, as amended herein. Even the combination of EP0618022 modified in view of EP0995537 would not include the structural arrangement recited in amended claim 8 and in new claim 15. Both references fail to disclose, suggest, or render obvious a reading head, identification labels, or the capability of reading the labels of a storage cartridge to identify the cartridge, such that the moving distribution head can position a distribution tube of corresponding diameter with any storage cartridge. Neither reference includes any discussion of a reading head, or even any mechanism, for determining the size of the parts in a storage cartridge or for moving the distribution head according to the reader's determination.

Still further, none of these references appreciate the benefit provided by the currently recited structure or have any mechanism or structural arrangement to address the need to easily interchange storage cartridges containing different-sized parts or replace a storage cartridge with another containing different-sized parts. In both disclosed devices, interchanging the positions of storage cartridges containing different-sized parts would require reconfiguration of the device and/or reprogramming of the processor.

For instance, EP0618022 features a device with different-sized storage cartridges containing different-sized parts in predetermined positions. As described by the specification, the body 2 houses a plurality of storage tubes/cartridges 29 to store parts for distribution. The moving distribution head 30 moves the distribution tubes 33 according to the predetermined position of a particular storage tube/cartridge 29. For each part size, there is at least one permanently positioned storage tube/cartridge 29 which is "univocally dedicated" to that size and one particular distribution tube 33 associated to the position of each storage tube/cartridge 29.

Similarly, EP0955537 features a device where the movement of the distribution head is determined by matching the diameters of a first set of tubes with predetermined positions to the diameters of a second set of tubes with predetermined positions. Each storage bowl/cartridge 12 is connected to a feeder tube 26 of a specific diameter to match the parts stored in the cartridge 12. The feeder tubes 26 deliver parts to a moving distribution head 28 associated with distribution tubes 30. The size of the parts which can be stored in each storage cartridge 12 is programmed into a processor 24, which controls the movement of the distribution head 28. To change the size of parts stored in a particular storage cartridge, the operator must first change the connected feeder tube 26 to one with a diameter corresponding to the new parts and then reprogram the processor 24 for the new size of parts stored in that storage cartridge 12.

For the reasons set forth above and claim amendments made herein, no combination of the cited art teaches or suggests all of the structure and arrangement of structure recited in independent claim 8 and independent claim 15, and thus, claims 8 and 15 are believed to be

patentable. The dependent claims are also believed to be patentable for at least the reasons set forth above, due to their dependence on an allowable base claim and for further features recited therein.

**IV. Conclusion**

For at least the reasons set forth above, all claims are believed to be allowable. The application is believed to be in condition for immediate allowance. If any issues remain outstanding, Applicant invites the Examiner to call the undersigned if it is believed that a telephone interview would expedite the prosecution of the application to an allowance.

Respectfully submitted,

**AKERMAN SENTERFITT**

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